

## REMARKS

Claims 1, 3, 8, 11, 16, 20, 21 and 26 have been amended to more particularly point out what the Applicant regards as the invention. Claims 32 and 33 have been added. The invention includes receiving executable storage management instructions from a storage management service to perform automated management of a media storage device without requiring user input.

### Rejections under 35 U.S.C. § 102(e)

#### Claims 1, 2, 4 and 6-9

Claims 1, 2, 4 and 6-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sezan et al., U.S. Patent No. 6,236,395 issued on May 22, 2001. Applicant respectfully submits that Applicant's invention as claimed in claims 1, 2, 4, and 6-9 is not anticipated by Sezan.

In a response filed on March 14, 2005, the Applicant argued that Sezan does not teach or suggest receiving executable storage management instructions that perform automated management of said media storage device without requiring user input. The Examiner has rejected this argument, stating Sezan discloses that the "user description scheme provides information (management instructions) to a software agent that in turn performs a search and filtering on behalf of the user by possibly using the scheme description scheme and program description scheme information." (Emphasis in Office Action).

Applicant respectfully submits that *information* is not equivalent to *executable management instructions*, as claimed in amended claim 1.

Furthermore, the user description scheme disclosed in Sezan requires user input. Sezan discloses that the "user description scheme may also include personal information about the particular user, such as demographic and geographic information, e.g. zip code and age." (Sezan, col. 5, lines 43-46). Certainly, this is information that requires user input. Further, Sezan discloses that the "user description scheme information is persistent but can be updated by the user." (Sezan, col. 5, lines 66-67). In contrast, Applicant's claim 1 performing automated management of said media storage **device without requiring user input**.

Therefore, Sezan does not anticipate independent claim 1, and associated dependent claims 2, 4, 6-9. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims.

**Rejections under 35 U.S.C. § 103(a)**

**Claims 5 and 10**

Dependent claims 5 and 10 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sezan.

The Examiner has cited Willens (US 5,889,958) in response to Applicant's challenge to the Official Notice of the missing elements taken in the previous Office Action. Willens discloses downloading user specific filters from a central server for content monitoring of Internet programming.

Regardless, neither Willens nor Sezan discloses executable storage management instructions that when executed perform automated management of the media storage device without requiring user input as claimed in independent claim 1. Accordingly, Applicant respectfully submits that Applicant's invention as claimed in associated dependent claims 5 and 10 is not rendered obvious by Sezan, and respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a).

**Claims 11-31**

Claims 11-31 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sezan. The Examiner has taken Official Notice of the missing elements. Applicant respectfully objects to such Official Notice and requests the Examiner cite references in support of his position.

Regardless, neither Willens nor Sezan teaches or suggests "generating *executable* storage management *instructions* for an on-site media storage device, said storage management instructions, when executed, automate management of data stored on said on-site media storage device *without requiring user input*," as claimed in independent claims 11 and 21. Additionally, as acknowledged by the Examiner, Sezan does not teach or suggest "storage management instructions are transmitted by a storage management service provider located remotely from said on-site media storage device," as claimed.

Accordingly, Applicant respectfully submits that Applicant's invention as claimed in claims 11-31 is not rendered obvious by Sezan, and respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a).

#### **New Claims**

Support for new independent claim 32 and new dependent claim 33 is found at Figure 3 and associated text. No new matter is added. Applicant respectfully submits that new claim 32 recites "executable storage management instructions" and is allowable for at least the reasons set forth above for claim 1. Claim 33 is allowable because it depends from and includes each and every limitation of claim 32.

#### **SUMMARY**

Claims 1, 2, and 4-33 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

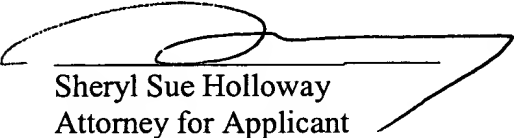
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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